

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

H & W INVESTMENTS, INC.,

Plaintiff,

v.

1580 INDUSTRIAL PARK  
INVESTORS, LLC, and 1600  
INDUSTRIAL PARK INVESTORS,  
LLC.,

Defendants.

Civil Action No. 1: 12-cv-02251-JDB-egb

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**SUPPLEMENTAL REPORT AND RECOMMENDATION**

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On referral for report and recommendation is Plaintiff H & W Investments, Inc.'s Motion for Default Judgment against Defendants 1580 Industrial Park Investors, LLC and 1600 Industrial Park Investors, LLC [D.E. 23]. By earlier Report and Recommendation [D.E. 27], this Magistrate Judge reported that Defendant Corporations are in default and Entry of Default had been made. The Magistrate Judge found that since damages were a sum that could be made certain by computation and pursuant to Rule 55(b)(2)(B), this Court found no hearing necessary and recommended that Plaintiff be awarded those damages enumerated in its motion. Further the Court recommended that Plaintiff submit an affidavit attesting to Plaintiff's counsel's reasonable and necessary fees and expenses, as well as the exact amounts of the damages sought.

On August 20, 2013, substituted counsel for Plaintiff filed the Response to Show Cause/Report and Recommendation, Attorney Affidavit and Limited Briefing Regarding Damages [D.E. 34]. Based upon this affidavit, and finding the fees and expenses reasonable and necessary, the Magistrate Court recommends a judgment of \$800,000 as a mitigated damages

amount, together with \$704,294.41 in refinancing of collateral and ancillary obligations to First Bank; \$2,805.06 for cost of foreclosing by Woods Law Office, \$16,083.00 and \$4,080.88 representing Henry County and City of Paris property taxes respectively. Additionally, Plaintiff seeks \$65,000 as reasonable attorneys' fees and expenses, which this Magistrate Judge finds reasonable and necessary.

In conclusion, the Magistrate Judge recommends that Plaintiff be awarded a judgment of \$1,527,263.35 together with \$65,000 attorneys' fees and expenses.

Respectfully Submitted,

s/Edward G. Bryant  
EDWARD G. BRYANT  
UNITED STATES MAGISTRATE JUDGE

Date: August 21, 2013

**ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATIONS MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT AND RECOMMENDATIONS. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.**